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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 57 OF 2015
IN
CRIMINAL APPEAL NO. 1100 OF 2011

Abdul Majid Aziz

.. Applicant

Vs.

1. Union of India and anr.

.. Respondents

Mr. Taraq Sayyed a/w Ms. Sartaj Shaikh for applicant.

Mrs. Uma S. Palsuledesai for respondent no.1.

Mr. H. J. Dedhia, APP for State.

CORAM: P. V. HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

FEBRUARY 25, 2015.

P.C.

1. This application has been filed by the applicant, who is respondent in Criminal Appeal No. 1100 of 2011, which has been filed by the appellant therein challenging the acquittal of the present applicant. By this application, the applicant has prayed, vide prayer clause (a) that this Hon'ble Court be pleased to return the passport of the Applicant to him for a period of three months from 1st March, 2015 till 30th June 2015 on such terms and conditions as this Hon'ble Court may deem fit to grant in the circumstances of the case and by virtue of the amended prayer clause (aa)

has prayed that this Hon'ble Court be pleased to return the passport for the purposes of renewal as the same has expired.

2. At the out-set, learned counsel for the applicant states that the applicant does not press for the relief prayed for in the application at prayer clause (a) and prays that liberty may be granted to the applicant to file an appropriate application subsequently. This application, therefore, is dismissed in so far as it relates to prayer clause (a) as the relief is not pressed, with the liberty as prayed for.

3. It appears that the applicant had earlier filed an application i.e. Criminal Application No. 1653 of 2012 praying that the passport which had been seized and which was in the custody of the court be returned to him. Since the appeal against acquittal was pending in this court, this court by its order dated 5/3/2013 declined to accede to the request of the applicant for return of his passport. By the present application, however, the applicant is praying that the passport be returned to him temporarily so as to enable the applicant to renew the said passport. The aforesaid order dated 5/3/2013, in our opinion, would not be a hurdle in granting the relief which is now prayed for in this application. In our opinion, if certain

conditions are imposed on the applicant, the passport can be returned to him so as to enable the applicant to renew the said passport.

4. Accordingly, this application is allowed. The passport bearing No.F-0933544 be returned to the applicant for the purposes of renewing the same. The applicant shall furnish written undertaking to this court that the applicant, on the passport being renewed by the passport authorities, shall re-deposit the same in the High Court and that he shall not travel abroad on the basis of the renewed passport without obtaining necessary permission from this court. The undertaking to be furnished within one week from today. On such undertaking being furnished by the applicant, the passport be returned to the applicant to enable the applicant to renew the same. We further direct that the applicant shall re-deposit the passport in this court, on the passport being renewed by the passport authorities.

5. Application is thus allowed as indicated above.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)